

MEETINGS TO DATE 16
 NO. OF REGULARS 14
 NO. OF SPECIALS 2

LANCASTER, NEW YORK
 JULY 16, 1973

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 16th day of July, 1973 at 8:00 P.M. and there were

PRESENT: LEO N. WEIMER, SUPERVISOR
 JOSEPH R. BARNHARDT, COUNCILMAN
 EDWARD A. BERENT, COUNCILMAN
 PETER J. BOLENDER, COUNCILMAN
 ARTEL J. METZ, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: CHRISTINE JANKOWSKI, DEPUTY TOWN CLERK
 DOMINIC J. TERRANOVA, TOWN ATTORNEY
 TIMOTHY J. DWAN, DEPUTY TOWN ATTORNEY
 EDWARD J. FERON, JR., TOWN ENGINEER
 JOHN F. LUME, HIGHWAY SUPERINTENDENT
 VICTOR H. OTT, POLICE CHIEF
 WILLIAM F. DOUGHERTY, JR., BUILDING INSPECTOR

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their Monthly Reports as follows:

<u>DEPARTMENT</u>	<u>MONTH OR MONTHS OF</u>
Town Clerk	June, 1973
Police Department	June, 1973
Ambulance	June, 1973

COMMITTEE REPORTS:

Councilman Barnhardt, for the Street Lighting Committee presented a proposal for improvement of street lighting on Bowen Road within Consolidated Lighting District No. 1 of the Town of Lancaster, and on behalf of the Committee recommended that the Town Board authorize the improvements as contained in said proposal.

Councilman Barnhardt, for the Planning Committee, informed the Town Board that a meeting for final review and discussion on the Flood Plan Ordinance will be held on August 1, 1973 at 8:00 P.M., 21 Central Avenue, Lancaster, New York.

The Town Clerk was directed to notify by letter the Town Board Members, Town Planning Board Members, Planning Consultant, Town Engineer, Building Inspector, Town Attorney, Environmental Conservation Commission, and Highway Superintendent of the time and place of this meeting.

Councilman Berent, for the Police Committee, informed the Town Board of the Monthly Ambulance Service Report for the month of June, 1973 reflecting the cooperation of the Chief of Police and Police and Ambulance Personnel.

Councilman Metz, for the Investigating Committee, reported that he had surveyed the problems that exist at the Erie-Lackawanna crossings at Erie and Steinfeldt and Erie and Pavement Roads with the Highway Superintendent.

The Town Attorney was directed to contact the Erie-Lackawanna Railroad relative to these crossings.

Supervisor Weimer reported that he and Assemblyman Volker had on Friday, July 11, 1973, attended a meeting in Albany relative to information on Criteria for Federal Priority of Municipal Sewage Treatment Projects, with regard to the Federal funding for Erie County Sewer District No. 4.

Mr. Weimer reported that the meeting afforded each person present to present their needs for their particular funding requirements, and he hoped that Sewer District No. 4 would be of prime importance on the federal scale.

PRESENTATION OF RESOLUTIONS BY COUNCILMEN:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

RESOLVED, that the Minutes of the Regular Meeting of the Town Board held on July 2, 1973, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

July 16, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, John A. Dryja, Chairman of the Recreation Commission of the Town of Lancaster, has resigned said position by letter of July 8, 1973, due to his leaving the Lancaster area and moving to New Rochelle, New York, and

WHEREAS, the said John A. Dryja has devoted a great amount of personal time and effort without compensation and at great personal sacrifice on behalf of the Town of Lancaster Recreation Commission for the past several years,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby accepts the resignation of John A. Dryja with regret and extends its sincere good wishes to Mr. Dryja in all his future endeavors.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

July 16, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

WHEREAS, the Town Superintendent of Highways has duly recommended the purchase of two (2) new 1974 two wheel drive dump trucks complete with dump body, hydraulic hoist and displacement type snowplow for the use of the Highway Department, pursuant to Section 142 of the Highway Law, and

WHEREAS, International Harvester Company, Buffalo, New York, has submitted the lowest responsible bid in accordance with the specifications, in the sum of \$38,595.88, net with trade,

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Section 142 of the Highway Law, the Town Superintendent of Highways is hereby authorized to purchase, in accordance with the provisions of Article 5-A of the General Municipal Law, with the approval of the County Superintendent of Highways, two (2) new 1974 two wheel drive dump trucks complete with dump body, hydraulic hoist and displacement type snowplow for the Highway Department for a maximum price of \$38,595.88, with delivery to be made within 120 - 140 days of contract award.

The terms of payment will be as follows:

- | | |
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| 1. Check drawn on Machinery Fund and Bond Principal Fund of the Highway Fund | \$ 11,595.88 |
| 2. Check from proceeds of Bond Anticipation Note | 27,000.00 |

To be purchased from:

International Harvester Company	\$ 38,595.88
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A contract for purchase of the items shall be duly executed between the Town Superintendent of Highways and such vendor and, when duly approved by the Erie County Superintendent of Highways, it shall become effective. When such contract has been duly executed and approved, the Supervisor is authorized to complete such purchase upon delivery of the item purchased in accordance with the terms of the Bond Resolution and such contract.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

July 16, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT, TO WIT:

WHEREAS, the Lighting Committee of the Town Board of the Town of Lancaster has requested, and the New York State Electric & Gas Corporation has submitted, a proposal for improvement of street lighting on Bown Road within Consolidated Lighting District No. 1 of the Town of Lancaster, and

WHEREAS, the Lighting Committee of the Town Board, after investigation, review and consideration, has recommended the said installations and removals as contained in said proposals,

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric & Gas Corporation be and hereby is authorized to make the following installations and removals within Consolidated Lighting District No. 1 of the Town of Lancaster:

Bowen Road (Broadway south to Cayuga Creek)

Install 5 - 11000 lumen mercury lamps @ \$55.00 each (Poles T190,T187,T185,T183 16, Line 517)	\$ 275.00
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Install 1 - 25500 lumen HPS lamp @ \$83.00 ea. (Pole T192, Line 517)	83.00
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Remove 6 - 2500 lumen incandescent NG lamps @ \$35.53 ea. (Poles T192,T190,T187 T185,T183,16,Line 517)	<u>213.18</u>
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Annual Increase	\$ 144.82
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Bowen Road (South from Cayuga Creek to Old Exempt District)

Install 7 - 11000 lumen mercury lamps @ \$55.00 ea. (Poles 1, Line 1827; 19,21, 26,27,28,30-1,Line 517)	385.00
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Remove 4 - 2500 lumen incandescent lamps @ \$35.53 ea. (Pole 21,27,28,30-1, Line 517)	<u>142.12</u>
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Annual Increase	<u>242.88</u>
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Total Annual Increase	\$ 387.70
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The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

July 16, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster and the Tree Planting Committee of said Town Board deem it in the public interest that the Tree Planting Program include the care of trees previously planted on various streets in the Town of Lancaster in accordance with the Master Tree Planting Plan, and

WHEREAS, Lancaster Tree Expert Co., Inc., 58 Laverack Avenue, Lancaster, New York, has submitted a proposal for the care of trees previously planted, and

WHEREAS, the Town Board of the Town of Lancaster and the Tree Planting Committee deem it in the public interest to accept said proposal of Lancaster Tree Expert Co., Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the proposal of Lancaster Tree Expert Co., Inc., dated July 16, 1973, be and hereby is accepted, according to the terms, conditions and cost as outlined in said proposal, for the care of trees planted on various streets of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that payment for said services as outlined in said proposal of July 16, 1973, be made from the General Fund Account No. A.00.8560.46, Tree Planting, with total cost not to exceed the sum of Two Thousand Dollars (\$2,000.00)

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

July 16, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, the Director of Recreation and the Recreation Commission
of the Town of Lancaster have established hours for the operation of Keysa
Town Park and Meadowlea Town Park, with opening at 8:00 A.M. and closing at
10:00 P.M. each day, and

WHEREAS, it is essential to the efficient operation of the recreation
program of the Town of Lancaster that such hours of operation be strictly
adhered to and that all persons vacate said recreational areas except during
such hours,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
establishes the hours of operation of Keysa Town Park and Meadowlea Town Park
during the recreation season as 8:00 A.M. to 10:00 P.M. each day and that
all persons be excluded from such recreation areas except during such hours, and

BE IT FURTHER

RESOLVED, that the Chief of Police of the Town of Lancaster is hereby
directed to enforce such hours of operation.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

July 16, 1973

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, the New York State Department of Environmental Conservation held a meeting in Albany, New York, on July 11, 1973, relative to Information on Criteria for Federal Priority of Municipal Sewage Treatment Projects, and

WHEREAS, Federal funding for Erie County Sewer District No. 4 is of prime importance to the Town of Lancaster, and

WHEREAS, it was deemed in the public interest that the Town of Lancaster be in attendance at said meeting,

NOW, THEREFORE, BE IT

RESOLVED, that the attendance of Leo N. Welmer, Supervisor of the Town of Lancaster, at said information meeting on Criteria for Federal Priority of Municipal Sewage Treatment Projects held in Albany, New York, on July 11, 1973, be and hereby is confirmed, with reimbursement for actual and reasonable expenses.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

The resolution was thereupon unanimously adopted.

July 16, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BOLENDER, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN METZ
TO WIT:

BE IT RESOLVED, that the following transfers within the Special Districts
Fund of the Town of Lancaster be effected:

	To		From	
	Account	Amount	Account	Amount
<u>Master Water Improvement Area</u>				
Expenses re. payment of debt	SW.90.8340.46	\$437.62		
Master Water Improvement				
Area-Unappropriated			SW.90.0909.00	\$437.62

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED	<u>YES</u>
COUNCILMAN BERENT VOTED	<u>YES</u>
COUNCILMAN BOLENDER VOTED	<u>YES</u>
COUNCILMAN METZ VOTED	<u>YES</u>
SUPERVISOR WEIMER VOTED	<u>YES</u>

The resolution was declared unanimously adopted.

DATED: July 16, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BOLENDER, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 5771 to 5837 Incl.	\$ 31,053.85
Special District Funds	No. 1242 to 1247 Incl.	9,024.28
Part Town Funds	No. 1485 to 1488 Incl.	908.84
Highway Funds	No. 3081 to 3090 Incl.	7,719.27
Trust & Agency Funds	No. 475 to 482 Incl.	5,576.05
Federal Revenue Sharing	No. 11 to 11 Incl.	5,286.21

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

July 16, 1973

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN METZ, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

RESOLVED, that the following Building Permit Applications be and are
hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
94	Robert Bauman	748 Aurora Street	ER. ALUM. SHED
95	Jeffrey Tiburzi	311 Peppermint Road	ER. FR. BR. VEN. SING. DWLG. PVT. GAR.
96	John Claxton	311 Stony Road	ER. FR. BR. VEN. SING. DWLG. PVT. GAR.
97	Ralph Heist	3758 Bowen Road	ER. FR. PATIO
98	Schwam Sales	4465 Walden Avenue	ER. STL. BLDG.
99	Ronald Golba	752 Ransom Road	ER. FR. BR. VEN. SING. DWLG. PVT. GAR.
100	Advance Improvement	156 Seneca Place	ER. FR. PVT. GAR.
101	Stephen Andruchowskyj	825 Ransom Road	ER. WIRE FENCE
102	Bernard Wydro	72 Freeman	ER. FR. FENCE
103	Norbert Wojciechowski	23 Candice Court	ER. IN GROUND POOL
104	Glenn Goshow	14 Pauline Court	ER. FR. BR. VEN. SING. DWLG. PVT. GAR.
105	Bradley Beebe	67 Brunck Road	ER. FR. ABOVE GROUND POOL

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

July 16, 1973

STATUS REPORTS ON UNFINISHED BUSINESS:1. Traffic Study - Walden Avenue

On March 12, 1973 the New York State Department of Transportation indicated that the necessary speed checks for this study were being taken during the week of February 26th and that a report will be forthcoming.

2. Rezone Petition - Ralph Figlow - Aurora Street

On October 16, 1972, after a Public Hearing, this matter was referred back to the Planning Board for review and report to the Town Board.

3. Cayuga Creek Flood Program

On May 11, 1973 the Army Corps of Engineers notified the Town Board that they had completed their field inspection and that they are preparing a report which is scheduled to be completed by September, 1973.

4. Tax Abatement - Police Servies - County Sheriff's Department

On December 13, 1972 Legislator Wnek indicated to the Town Board that this matter is before the Police and Safety Committee which he is Chairman of, and he will keep the Town Board advised on the progress of this matter.

On April 3, 1973 and July 3, 1973, upon the recommendation of the Town Board of the Town of Lancaster the Town Clerk requested a status report on this matter from Legislator Wnek.

5. Railroad Crossings - Improved Safety

On July 16, 1973 the Town Attorney was directed to request from the Erie-Lackawanna Railroad an investigation for improvement of the Steinfeldt Railroad and Pavement Road Railroad crossings.

6. Rezone Petition - Josela Enterprises, Inc.

On June 18, 1973 the Town Board held a Public Hearing on this petition and the petition was sent to the Planning Board for review and report on the recommendation of the Erie County Department of Planning.

PERSONS DESIRING TO ADDRESS THE TOWN BOARD:

None

COMMUNICATIONS:DISPOSITION

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| 328. Town Clerk to Town Board -
Notification - Directives complied with
from meeting of July 2, 1973. | R & F

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| 329. Town Clerk to Legislator Wnek -
Request updating and current status
report on Tax Relief - County Sheriff's
Department. | R & F

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| 330. Lancaster Village Attorney to Town Clerk -
Re: Rezoning of portion of south side
Walden Avenue, west of Central Avenue. | Planning Board Sec'y.
Planning Committee
_____ |
| 331. Krehbiel-Guay-Rugg-Hall to Town Clerk -
Transmittal - Copy of preliminary
topographical survey of library site
at School and Broadway. | R & F

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| 332. John A. Dryja to Town Board -
Notification of resignation as Member of
Lancaster Recreation Commission. | R & F

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| 333. N.Y.S. Dept. of Transportation to Town Clerk -
Re: Investigation and inspection of
railroad crossings - Schwartz Road, Maple
Road and Steinfeldt Road. | R & F

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| 334. Erie & Niagara Counties Regional Planning
Board to Town Clerk -
Transmittal - Document entitled "Annual
Report - 1972". | R & F

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| 335. Town of Cheektowaga to Supervisor -
Re: Environmental Assessment Hearing -
July 9, 1973 - Town of Cheektowaga
WPCP No. 5 Service Area - Water Pollution
Abatement Plan. | Planning Board Sec'y.
Planning Committee

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| 336. Town Attorney to Gerald L. Baskey, Attorney -
Reply to letter of June 28th regarding
remedial work to Scajaquada Creek. | R & F

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| 337. Donald G. Diebel to Town Board -
Request appointment to Town of Lancaster
Planning Board. | Planning Committee

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| 338. New York State Dept. of Environmental
Conservation to Town Clerk -
Notice of Public Hearing regarding
classification and standards of all
waters of New York State. | Sewer Committee
Env. Cons. Comm. Sec'y.

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Councilman Metz requested a suspension of the necessary rule for
introduction of the following Communication - SUSPENSION GRANTED.

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| 339. Highway Superintendent to Town Board -
Recommendation - Award of bid to Interna-
tional Harvester Company for two (2) new
1974 Two Wheel Drive Dump Trucks. | R & F

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Councilman Metz requested a suspension of the necessary rule for
introduction of the following Communication - SUSPENSION GRANTED.

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| 340. Lancaster Tree Expert Co. to Town Board
Proposed Tree Planting and Care Program
for the Town of Lancaster. | R & F

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ADJOURNMENT:

ON MOTION OF SUPERVISOR WEIMER, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 8:30 P.M. out of respect to:

PATRICIA ANN MARSHALL

SHANNON MARSHALL

LAWRENCE F. HUBER

Signed



Christine Jankowski, Deputy Town Clerk